

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	10/823,465	Confirmation No.: 4603
Applicants	:	Walter E. Red et al.	
Filed	:	April 13, 2004	
TC/A.U.	:	2121	
Examiner	:	Norton, Jennifer L.	
Docket No.	:	1737.2.15	
Customer No.	:	21552	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF NOTICE OF APPEAL

Dear Sir:

On August 21, 2009, an appeal brief was filed in connection with the present patent application. On December 10, 2009, the Examiner reopened prosecution by issuing an Office action. In response, Applicants are filing a notice of appeal in an attempt to reinstate the previous appeal. The MPEP states: "Any previously paid appeal fees set forth in 37 CFR 41.20 for filing a notice of appeal ... will be applied to the new appeal. If, however, the appeal fees have increased since they were previously paid, then appellant must pay the difference between the current fee(s) and the amount previously paid." (MPEP 1204.01.) Thus, Applicants are only required to pay the difference between the current fee for filing a notice of appeal (\$270) and the amount previously paid for filing the notice of appeal (\$255), which is \$15. However, because it does not seem possible to pay *only* the \$15 via EFS-Web, Applicants are paying the entire \$270 fee for filing a notice of appeal. **The Director is authorized to credit the \$255 overpayment to Deposit Account Number 13-0763.**

Alternatively, Applicants will request a refund of the overpayment.

Respectfully submitted,

/Thomas M. Hardman/

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